



EXHIBIT 5
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Testimony HB 287

Chairman Rice and Members of the Committee,

My name is Cathy Day. I am the Public Policy Director for the ACLU of Montana. I rise in support of House Bill 287. This act is, at best, poor legislation under the guise of a thinly veiled measure to stop terrorism. As Representative Wiseman's proposed legislation asserts, the National Real ID Act and its mandated implementation raise multiple concerns from both a civil liberties perspective and in terms of a funding burden to the state.

- Real ID threatens to erode the fundamental constitutional guarantee of a right to privacy. It mandates all states to standardize driver's license cards into a single identity card and database to be used for federal purposes, including, but not limited to, boarding an airplane or accessing a federal facility. This standardized set of personal data is to be made available as "machine-readable technology" linked to databases of other states and the Federal Government. This creates, in effect, one national database of the private data instantly available to a wide range of state, local, and federal officials and an irresistible tool for forgers and identity thieves. The machine-readability requirement means that data on the IDs can be easily harvested, catalogued, and sold. In addition to widespread use by the public sector, the cards will be used and abused by the private sector.
- This act was hastily passed by Congress as an add-on, must pass piece of legislation and its widespread implications were never debated on the floor of the US Senate, therefore receiving no scrutiny before passage.
- Implementing this Act will be extraordinarily costly and results in a complete change to every facet of the process for issuing a driver's license. It will require the purchase of new equipment, the retraining of existing employees and the hiring of new ones. It only stands to reason that this cost will be passed on to individual citizens in the form of driver's license fees and become, in effect, a Real ID tax.
- The Real ID has the potential to cause real discrimination against people of color and disproportionately affect the poor. DMV employees must verify citizenship or immigration status which can lead to widespread discrimination against people who look or sound foreign. Millions of Americans do not possess driver's licenses or have permanent addresses. There are no provisions in the Act to prohibit or remedy situations of discrimination.
- Finally, an improved identity practices have not been proven to be effective as a deterrent to terrorism. Mandating a uniform ID mechanism does not reveal evil intent and is easily subject to fraud and falsification.